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MAR 02 2007

Serial No. 10/662,340
Docket No. H64-154706M/TNM

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REMARKS

Claims 1, 4, 6-14, 20 and 21 are all the claims presently pending in the application. Claims 1, 20 and 21 have been merely editorially amended and have not been substantively amended to more particularly define the invention. Claim 5 has been canceled without prejudice or disclaimer.

Entry of this Amendment is believed proper since no new issues are being presented to the Examiner that would require further consideration and/or search.

Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicants gratefully acknowledge the Examiner's indication that claims 1, 4, 6-14, 20 and 21 are allowable. While Applicants maintain that all of claims 1, 4-14, 20 and 21 are allowable over the cited references, merely in an effort to speed prosecution and to place the Application in condition for immediate allowance, Applicants have canceled claim 5.

In accordance with the Examiner's objection to the claims, Applicants have amended the claims in a manner believed fully responsive to the Examiner's objection. Specifically, Applicants have corrected an editorial error in claims 1, 20 and 21 by correcting the format of the formula recited therein.

The Examiner has objected to the Amendment filed on December 9, 2004 under 35 U.S.C. 132(a) for introducing new matter into the disclosure. The Examiner, however, is clearly incorrect.

That is, in the Examiner's Office Action dated September 22, 2004, the Examiner objected to the Specification because "In example 1, the sum of the amounts of the components in the toner, i.e., 85 wt% for binder resin, 1 wt% for charge control agent, 10 wt%

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for carbon black, 4.25 wt% for polyethylene wax, and 0.75 wt% for paraffin wax, is 101 wt%. It is not clear how the sum of weight percentages based on the total weight of the toner can be other than 100 wt%" (see Office Action dated September 22, 2004 at page 2). In the Amendment filed on December 9, 2004 Applicants amended the Specification to recite 84 wt % of binder resin to correct an apparent typographical error.

Applicants submit that it would have been apparent to one of ordinary skill in the art that Applicants merely amended the specification to correct a typographical error and did not add new matter to the Specification.

In view of the foregoing, Applicant submits that claims 1, 4, 6-14, 20 and 21, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

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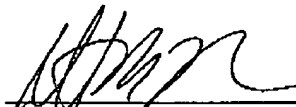
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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: March 2, 2007

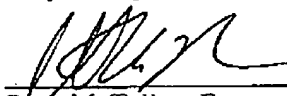
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FACSIMILE TRANSMISSION

I hereby certify that I am filing this paper via facsimile, to Group Art Unit 1756, at (571) 273-8300, on March 2, 2007.

Respectfully Submitted,

Date: March 2, 2007

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